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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,041	12/22/2000	Raymond J. Kelley	GEMS:0122/yod 15-EC-5773	4693

7590 04/08/2005

Patrick S. Yoder
Suite 330
7915 FM 1960 West
Houston, TX 77070

EXAMINER

FULTS, RICHARD C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,041

Applicant(s)

KELLEY ET AL.

Examiner

Richard Fults

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In a phone interview on February 2, 2005 the Examiner agreed to remove the finality of the prior actions and to allow the entering of the amended new claims 51-55, and to issue this new non-final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. In addition, the treatment of the dependent claims has been altered.

1. Claims 1–55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erwin et al (US 6,249,770 B1) (hereinafter Erwin) further in view of Huang et al (US 6,151,582 A) (hereinafter Hu).

Erwin discloses (see columns 1-20) all the steps, methods, and means described in claims 1-55, including a method for providing a financial outlook for a medical facility, providing an electronic form having fields for entering financial data of the medical facility associated with at least one of a plural of modalities, the financial data comprising projected changes in at least a portion of the financial data over a future analysis period, electronically receiving the financial data from the electronic form via a network, routing the financial data into a financial analysis system, generating a pro forma report for the future analysis period tailored to the financial data, electronically transmitting the pro forma financial report to a client via the network, a system for

generating financial statistics for a medical facility, a method for analyzing finances of a healthcare facility, an internet financial analysis system for financially evaluating a healthcare facility, and analyzing a desired purchasing option selected from a plurality of different options to obtain a medical imaging system based on the financial data client to provide a client-specific financial analysis of the desired purchasing option.

Erwin does not specifically teach a medical facility and he does not specifically teach purchasing analysis.

Hu discloses purchasing analysis (see columns 1-144, but in particular columns 1-12).

Because it would have provided a more comprehensive and efficient system for management analysis of business operations it would have been obvious to one skilled in the art at the time of the invention to add the teachings of Hu to those of Erwin, and to add those of Erwin to those of Hu for the same reasons.

2. Based upon the financial analysis and pro forma teachings of Erwin and Hu for multiple business categories, it would have been obvious to one skilled in the art at the time of the invention that **a medical facility is simply an intended subject use of this invention, and the functions described in claims 1-55 can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing “medical facility” and its related products and services by name**, and that it would have been obvious to have used those old and well known features in duplicating this invention prior to its filing date.

Furthermore it is obvious and well known that the features, steps, methods, and means described in claims 1-55 can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, etc., which during that time have been used by thousands of financial analysts to conduct the

types of standard and common financial analyses described as this invention, and for the past 10 years using the internet as a network. In addition the steps and methods described in claims 1-55 have been manually used for the past many decades with slide rules and pencil and paper and the use of calculators, so that this invention is merely the automation of an old and well known manual process. It would have been obvious to one skilled in the art at the time of the invention to be well aware of these facts and to have used their old and well known features in duplicating this invention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

3. Response to Applicant's Arguments

The prior processing issues raised by the applicant have been addressed in the opening paragraph. A second reference has been introduced to address the newly added claims. The format of the rejection based upon the references has been altered and made more detailed. The obviousness rejection has likewise been made more detailed, as well as the automation rejection. Based upon the MPEP this entire rejection now has the proper format and rationale, and demonstrates clearly that the references teach the same old and well known methods and systems now claimed by the applicant, and that their use in a medical facility is simply an intended use of those prior basic teachings – one use among hundreds of thousands that are possible.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Souh, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



RCF

3/31/2005



F. J. [illegible]

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